

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

LISTING OF CLAIMS

Claim 1 (Currently Amended). A data sending receiving apparatus comprising:

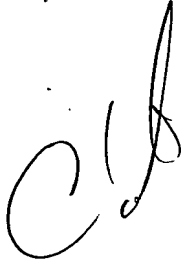
a first storage unit for holding data including a plurality of contents in a memory thereof;

a retrieval unit for retrieving the data stored in said first storage unit;

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a first sending receiving unit for sending the data in one of a low quality and a high quality format retrieved by said retrieval unit, said first sending receiving unit receiving a request information including payment information for a content from a user and supplying the received request information to said retrieval unit, wherein said first sending receiving unit determines whether the user is willing to make a payment for the content based on the received payment information, and

when said first sending receiving unit determines that the user is not willing to make the payment for the content the low quality data is sent, and

when said first sending receiving unit determines that the user is willing to make the payment for the content the high quality data is sent; and


 a second sending receiving unit for receiving the data sent from said first sending receiving unit and for sending the request information including the payment information for the content from the user, ~~said second sending receiving unit having a decision unit for checking whether the data sent from said first sending receiving unit is data newly stored and having a second storage unit for storing the data sent from said first sending receiving unit when results of a check by said decision unit indicates that the data is the data stored in said first storage unit.~~

Claim 2 (Currently Amended). The data sending receiving apparatus according to claim 1 50, wherein said second sending receiving unit further includes a reproducing unit and wherein, when the results of the check by said decision unit indicates data other than the data newly stored in said first storage unit, said reproducing unit reproduces the data sent from the first sending receiving unit.

Claim 3 (Previously Presented). The data sending receiving apparatus according to claim 1, wherein said first sending receiving unit, when sending data retrieved by said

retrieval unit, appends supplementary data indicating that the data is data newly stored in said first storage unit when the data sent is the data newly stored in said first storage unit.

Claim 4 (Previously Presented). The data sending receiving apparatus according to claim 3 wherein said decision unit checks whether the data sent from said first storage unit is the data newly stored in said first storage unit.

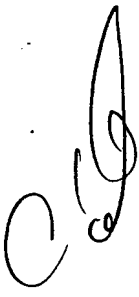


Claim 5 (Previously Presented). The data sending receiving apparatus according to claim 1 wherein said second sending receiving unit generates the request information from the user inclusive of data specifying an intention of the user to make payment and sends the generated information to said first sending receiving unit.

Claim 6 (Previously Presented). The data sending receiving apparatus according to claim 5 wherein said first sending receiving unit switches a sending mode to said second sending receiving unit for data retrieved by said retrieval unit based on data specifying the intention of the user to make payment sent from the second sending receiving unit.

Claim 7 (Previously Presented). The data sending

receiving apparatus according to claim 6 wherein said first sending receiving unit switches the sending mode to the second sending receiving unit based on data specifying the intention of the user to make payment sent from the second sending receiving unit when the data retrieved by said retrieval unit is the data newly stored in said first sending receiving unit.



Claim 8 (Previously Presented). The data sending receiving apparatus according to claim 7 wherein said first sending receiving unit sends to said second sending receiving unit data newly stored in said first sending receiving unit with a same data quality as a data quality in sending other data stored in said first storage unit when the data specifying the intention of the user to make payments for the request information from the user sent from the second sending receiving unit indicates that the user is willing to make the payments.

Claim 9 (Previously Presented). The data sending receiving apparatus according to claim 8 wherein said first sending receiving unit sends to said second sending receiving unit data newly stored in said first sending receiving unit with a data quality lower than a data quality in sending other data stored in said first storage unit when the data specifying the intention of the user to make payments for the

request information from the user sent from the second sending receiving unit indicates that the user is not willing to make the payments.

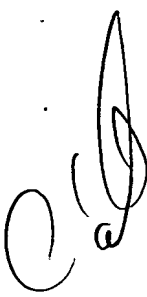
Claim 10 (Previously Presented). The data sending receiving apparatus according to claim 1 wherein said second sending receiving unit generates the request information from the user inclusive of genre designation information to send the generated information to said first sending receiving unit.

Claim 11 (Previously Presented). The data sending receiving apparatus according to claim 10 wherein said second sending receiving unit, when reproducing data stored in said storage unit, reproduces the data in a same playback state as a playback state for reproducing data other than the data newly stored in said first storage unit when the user is willing to make a payment.

Claim 12 (Previously Presented). The data sending receiving apparatus according to claim 11 wherein said second sending receiving unit, when reproducing data stored in said second storage unit, sends information concerning the payment to said first sending receiving unit when the user is willing

to make the payment.

Claim 13 (Previously Presented). The data sending receiving apparatus according to claim 12 wherein said first sending receiving unit performs accounting based on accounting information sent from said second sending receiving unit.



Claim 14 (Previously Presented). The data sending receiving apparatus according to claim 11 wherein said first sending receiving unit sends to said second sending receiving unit data specifying that an accounting has come to a close and appends accounting data specifying that the accounting has come to a close to data for playback stored in second storage unit.

Claim 15 (Previously Presented). The data sending receiving apparatus according to claim 14 wherein said second sending receiving unit switches the playback state of data stored in said second storage unit based on the data specifying that the accounting has come to a close.

Claim 16 (Previously Presented). The data sending apparatus according to claim 11 wherein said second sending receiving unit discontinues the playback state while reproducing data stored in said second storage unit when the

user has no intention to make the payment.

Claim 17 (Original). The data sending receiving apparatus according to claim 10 wherein said first sending receiving unit sends to the retrieving unit the request information from the user containing the genre designation information sent from the second sending receiving unit, and wherein said retrieval unit retrieves data stored in said first storage unit based on the request information from the user containing the genre designation information to send the retrieved data to the second sending receiving unit.


Claims 18 (Currently Amended). A data receiving apparatus comprising:

a sending receiving unit for sending request information including payment information for a content from a user to a host side device and for receiving data of contents in one of a low quality and a high quality format sent from a said host side device and ~~for sending request information from a user to said host side device;~~

a storage unit for storing received data sent by said sending receiving unit; ~~and~~

~~a controller for checking whether the sent data from a host side device is data newly stored in said host side~~

~~device, said controller causing the sent data to be stored in said storage unit when results of the checking indicate that the sent data is data newly stored in said host side device,~~
wherein said sending receiving unit includes sending the payment information for the contents in the high quality format as said request information when an input to make a payment for the content in the high quality format is made by a user.




Claim 19 (Currently Amended). The data receiving apparatus according to claim ~~18~~ 51, further comprising a reproducing unit when the results of the checking indicate that the sent data is data other than data newly stored in said host side device.

Claim 20 (Previously Presented). The data receiving apparatus according to claim 19 wherein said controller includes a check unit for checking whether the sent data is data newly stored in said host side device.

Claim 21 (Previously Presented). The data receiving apparatus according to claim 20, wherein said controller includes means for discriminating, based on supplementary data appended to the sent data for indicating that the data is data newly stored in the host side device, whether the sent data is

data newly stored in the host side device.

Claim 22 (Previously Presented). The data receiving apparatus according to claim 18 wherein said sending receiving unit generates the request information from the user containing data specifying an intention of the user to make payments to send the generated data to said host side device.



Claim 23 (Previously Presented). The data receiving apparatus according to claim 18 wherein said sending receiving unit generates the request information from the user containing the genre designation information to send the generated information to said host side device.

Claim 24 (Previously Presented). The data receiving apparatus according to claim 23 wherein when data stored in said storage unit is to be reproduced and the user has an intention to make payments, the data is reproduced in a reproducing state similar to a reproducing state for reproducing data other than said data newly stored in said host side device.

Claim 25 (Previously Presented). The data receiving apparatus according to claim 24 wherein when data stored in

said storage unit is to be reproduced and the user has the intention to make payments, accounting information is sent from said sending receiving unit to said host side device.

Claim 26 (Previously Presented). The data receiving apparatus according to claim 25 wherein, after an accounting comes to a close based on the accounting information, accounting data specifying that the accounting has come to a close is appended to data for playback stored in said storage unit.

Claim 27 (Original). The data receiving apparatus according to claim 26 wherein the playback state of data stored in said storage unit is switched based on said accounting data.


Claim 28 (Previously Presented). The data receiving apparatus according to claim 24 wherein when reproducing data stored in said storage unit and the user has no intention to make payments, the reproducing state is discontinued.

Claims 29-45 (Canceled).

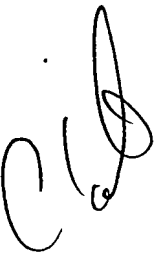
Claim 46 (Previously Presented). A data sending apparatus comprising:

a storage unit ~~having data stored therein~~ for holding data including a plurality of contents in a memory thereof;

a retrieval unit for retrieving the data stored in said storage unit ~~based on request information from a user containing data specifying an intention of the user to make payments sent from a terminal side device;~~ and

 a sending receiving unit for sending the data in one of a low quality and a high quality format retrieved by said retrieval unit, said sending receiving unit receiving ~~the request information sent from the user to send~~ including payment information for a content from a user and supplying the received request information to said retrieval unit, said sending receiving unit switching a sending mode to said terminal side device of data retrieved by said retrieval unit based on data specifying the intention of the user to make payments for the request information from the user wherein said sending receiving unit determines whether the user is willing to make a payment for the content based on the received payment information, and when said sending receiving unit determines that the user is not willing to make the payment for the content the low quality data is sent, and when said sending receiving unit determines that the user is willing to make the payment for the content the high quality data is sent.

Claim 47 (Currently Amended). The data sending apparatus according to claim 46 wherein said sending receiving unit switches the sending mode to said terminal side device based on data specifying the intention of the user to make payments for the request information from the user sent from ~~the~~ a terminal side device when the data retrieved by said retrieval unit is data newly stored in said storage unit.



Claim 48 (Previously Presented). The data sending apparatus according to claim 47 wherein, if the data sent from the terminal side device specifying the intention of the user to make payments for the request information sent from the terminal side device specifies that the user has the intention to make payments, data newly stored in said storage unit is sent to said terminal side device with a same data quality as a data quality of other data stored in said storage unit and sent.

Claim 49 (Previously Presented). The data sending apparatus according to claim 48 wherein, if the data sent from the terminal side device specifying the intention of the user to make payments for the request information sent from the terminal side device specifies that the user has no intention to make payments, data newly stored in said storage unit is

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sent to said terminal side device with the data quality inferior to the data quality of other data stored in said storage unit and sent.

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Claim 50 (New). The data sending receiving apparatus according to claim 1, wherein said second sending receiving unit includes a decision unit for checking whether the data sent from said first sending receiving unit is data corresponding to a new content and having a second storage unit for storing the data sent from said first sending receiving unit when results of a check by said decision unit indicates that the data is the new content.

Claim 51 (New). The data receiving apparatus according to claim 18, further comprising

a controller for checking whether the sent data from said host side device is data newly stored in said host side device, said controller causing the sent data to be stored in said storage unit when results of the checking indicate that the sent data is data newly stored in said host side device.
